

In our opinion

**Too many parents
often avoid responsibility**

See page 4

**Cloudy and cold
tonight: flurries
likely Wednesday**

The Argi

138th Year — Edition 47

Owosso, Michigan, Tuesday

Damage: \$3.5 million

Three teens charged in vandalism, fire at Owosso's Bryant School

By **ARI B. ADLER**
Argus-Press Staff Writer

Billy Caleb Lundy Jr., 15, of Calvert Road, Todd Wright, 15, of Prindle Street and Joshua Samuel Harris, 13, of West Main Street, have been charged with breaking into and setting fire to Bryant Elementary School in Owosso Feb. 23 (Sunday).

The fire is estimated to have caused some \$3.5 million in damage.

The three teen-agers in Shiawassee County Probate Court Monday afternoon.

They are each charged with one count of breaking and entering and one count of arson in the partial destruction of the school at 925 Hampton St.

Lundy and Wright are being held in a Saginaw County youth detention center and Harris is being held in Bay City.

All three are being held on \$20,000 bonds.

Harris turned 13 years old Monday.

Shiawassee County Prosecutor Ward Clarkson requested an adjournment of further hearings for not more than two weeks so he would have time to gather more evidence.

He said this morning that he is looking into the possibility of charging Lundy and Wright as adults.

If they are found guilty in probate court as juveniles, the maximum sentence would be incarceration in a juvenile detention center until age 21.

If Lundy and Wright are tried as adults, the maximum sentences would increase to 10 years in prison for each offense.

Damage estimates for the elementary school were placed at \$3.5 million by the school district's insurance agent Monday.

The cause of the fire, which required fire departments from Owosso and Owosso Township to respond, is the lighting of paper and other such materials which were already in the school, according to Shiawassee County Sheriff's Detective Sgt.

Mike Powers.

Powers is the county's arson investigator.

He added that the fire had "multiple points of origin."

In addition to fire, heat, smoke and water damage throughout the building, the wing the three teens allegedly broke into was vandalized.

Little damage from the actual fire was noticeable on that wing Monday. But the overturned desks and chairs, the broken windows and the paint and copy machine toner told the story of what occurred before the fire was set.

Clarkson said nothing from the boys' past behaviors will have a great impact on this case, but added: "There was a 12-year-old who has had his first brush with probate court, so he's off to a great start."

Some questions are being raised as to the responsibility of the boys' parents in this matter.

Clarkson, however, said he is not aware of anything that makes the parents responsible.

Meanwhile, the cleanup and the coping is under way.

Owosso Fire Chief John Kenney said a company would be at the school today boarding it up to secure the building.

Construction plans call for reopening the building by Aug. 1.

For the students, staff and parents who have lost their school, counseling is available.

"Some people are having a difficult time dealing with a loss of one of the most stable things in their lives," said Vicky Schultz, executive director of Positive Alternatives in Counseling and Education (PACE) in Owosso.

She said that her staff at PACE is available as a resource for parents and students alike.

The organization can be reached by calling 725-8124.



FIRE, VANDALISM—The media center at Bryant Elementary School was gutted in the Sunday morning blaze allegedly set by three Owosso teen-agers. The school had just installed \$40,000 worth of computers there. In the school wing which showed the least amount of damage from the fire, vandalism was evi-

dent. Throughout the rooms on that wing, desks and chairs were overturned, windows were broken and paint and copy machine toner were spread across desks, walls and floors. The total damage is being estimated at \$3.5 million. (Argus-Press Photo by Ari B. Adler)

Two teen-agers charged in Feb. 23 fire at Owosso Bryant Elementary School may be tried as adults

By ARI B. ADLER

Argus-Press Staff Writer

CORUNNA — Shiawassee County Prosecutor Ward Clarkson said this morning he would file papers today to try Billy Caleb Lundy Jr. and Todd Wright as adults in the Feb. 23 fire at Bryant Elementary School in Owosso.

The two Owosso 15-year-olds are facing charges of arson and breaking and entering in connection with the fire which caused an estimated \$3.5 million in damage to the 42-year-old school.

A 13-year-old Owosso boy, Joshua Samuel Harris, is facing the same charges, however he will be tried as a juvenile due to his age.

Clarkson said he was filing on the older boys because of the "seriousness of the crime."

"Also, I don't feel they are amenable to treatment in the juvenile system," Clarkson added.

When Clarkson files the paperwork, a hearing will be held for each boy before Shiawassee County Probate Judge James Clatterbaugh.

According to the state Probate Court Benchbook, six criteria are looked at when deciding if juveniles should be charged as adults.

Those are:

1. The juvenile's prior record and character, physical and mental maturity and pattern of living.
2. The seriousness of the offense.
3. Whether the offense is part of a repetitive pattern of offenses which would lead to the determination either that the juvenile is not amenable to treatment or...that the juvenile is likely to disrupt the rehabilitation of others in the treatment program.
4. Whether, despite the juvenile's potential for treatment, the nature of the juvenile's delinquent behavior is likely to render the juvenile dangerous to the public when released at age 21.
5. Whether the juvenile is more likely to be rehabilitated by the services and facilities available in the adult programs and procedures.
6. And, whether the best interest of the public welfare and the prosecution of the public security require that the juvenile stand trial as an adult offender.

"A lot will depend on what's presented in front of me," Clatterbaugh said about determining whether or not Lundy and Wright should be tried as adults.

He said he will also take into consideration of what they could get in the way of sentencing if found guilty as adults.

He said both the arson and the breaking and entering are 10 year felonies and more than likely the sentences would run concurrently.

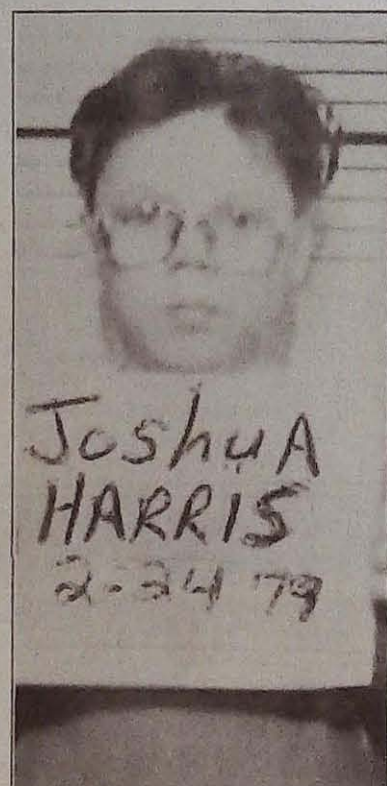
In addition, he said he wasn't sure what the sentencing guidelines would be but he figures the two boys might get a maximum of six years in prison each.

"You have to weigh the factors," Clatterbaugh said. "A maximum of six years? That's no longer than what they get in the juvenile system. Then you have

to look into rehabilitation."

If the boys are convicted as juveniles, the state would be able to hold them in a juvenile detention center until they reach the age of 21.

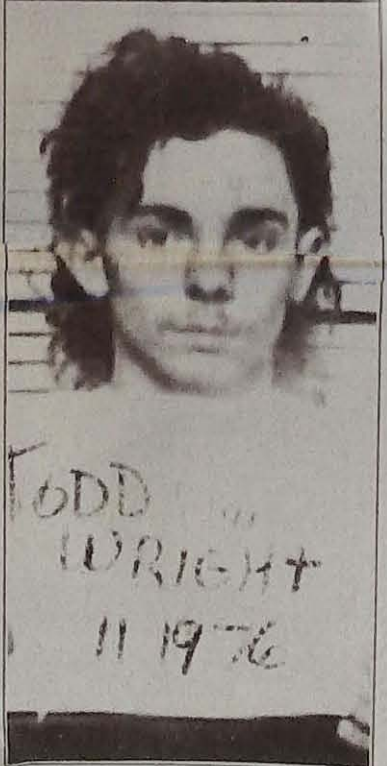
All three are being held in juvenile detention centers in Saginaw County on \$20,000 bond each.



Joshua Samuel Harris



Billy Caleb Lundy Jr.



Todd Wright

Owosso teen admits he broke into school

By ARI B. ADLER

Argus-Press Staff Writer

CORUNNA — Todd Wright, 15, of Owosso admitted to one count of breaking and entering in Shiawassee County Probate Court this morning.

Wright is charged with the breaking and entering and one count of arson in connection with the Feb. 23 fire which did \$3.5 million in damage to Bryant Elementary School in Owosso.

When asked to explain to the judge what happened in relation to the break-in, Wright said: "We went into the school — our intention was just to play basketball."

The arson charge will be handled at a separate trial which has yet to be scheduled, according to Assistant County Prosecutor Matt VanEpps.

Two other teens charged in the incident have to yet to come to trial.

Joshua Samuel Harris, 13, of Owosso is scheduled for trial in probate court on Friday.

Billy Caleb Lundy Jr., 15, of Owosso, has yet to be arraigned in Shiawassee County Circuit Court.

Harris and Lundy also both face one count each of breaking and entering and arson.

Wright and Harris are being tried as juveniles, but Lundy will be tried as an adult per a ruling by Probate Judge James Clatterbaugh March 23.

Lundy's arraignment is being delayed because his parents are appealing Clatterbaugh's ruling and the case has yet to be reviewed by the circuit court.

Clatterbaugh, who presided over Wright's case this morning, said he wants to get Wright into a place in the juvenile system where he gets an education and counseling.

He added that he wants to move as quickly as possible but it may several weeks before a suitable placement location is available.

Wright is currently in the custody of his mother; the family has posted a \$20,000 bond.

Clatterbaugh said that until sen-

tencing, Wright will remain a temporary ward of the court but may remain in his mother's custody under house arrest.

Harris and Lundy are both in Saginaw County juvenile detention centers, each on a \$20,000 bond.

Wright and Harris are both facing maximum sentences of incarceration in a juvenile detention center until the age of 21.

If Lundy is convicted as an adult, he faces a maximum sentence of 10 years in prison on each count.

Bryant School fire case

Testimony is emotional whether or not to try Owosso teen as an adult

By ARI B. ADLER

Argus-Press Staff Writer

CORUNNA — Testimony was heard Friday in Shiawassee County Probate Court from both sides of the argument for trying 15-year-old Billy Caleb Lundy Jr. as an adult rather than a juvenile.

Judge James Clatterbaugh did not make a ruling on the case.

He said he wanted to have some time to "digest all the facts." He also said he wanted to hear testimony on Monday during a duplicate hearing for Todd Wright, 15, one of Lundy's alleged accomplices, before ruling on

either case.

Lundy is charged with one count each of breaking and entering and arson in connection with the Feb. 23 fire at Bryant Elementary School in Owosso.

The fire did an estimated \$3.5 million in damage to the 42-year-old building.

If convicted as a juvenile, the Owosso Junior High School eighth grader faces a maximum sentence of incarceration in a juvenile detention center until the age of 21.

If convicted as an adult, he faces a maximum sentence of 10

years in prison on each count.

During testimony Friday, Jack Raffaelli, the junior high school principal, said that Lundy has been a discipline problem ever since his arrival at the school.

Lundy's mother, Robin Craig, testified that behavioral problems for her son began at the age of four when he had to stop attending a nursery school.

"Billy's had just about all the problems a student can have," Raffaelli said. He added in his testimony that the problems have ranged from not doing his school work to harassing other students. "There would be times he would be considered a bully. There were times he would be a good kid — a model student — and other times he would cause problems," assessed Raffaelli.

Mrs. Craig testified that her son is a "sweet boy" who has emotional problems.

"I recommend Billy be placed somewhere that he can get emotional help and an education," she said.

And with tears coming into her

See 'Teen' on page 7

Teen

Continued from page 1

eyes, she added: "I feel my son is still a child."

Lundy's stepfather, James Craig, agreed with his wife that Lundy should remain in the juvenile system.

"I recommend he go somewhere where he can get daily counseling," Craig said. "Billy should be somewhere that education is mandatory, where he can get an education so he can have a shot at life."

A psychologist brought in by the county prosecutor's office testified Friday that Lundy "has emotional problems" and "underlying psychological disturbances."

Dr. Andrew Barclay expanded on those statements, saying: "Billy is an individual who has problems controlling his impulses."

He said that Lundy tends to be very depressed and hysterical.

The hysterical aspect of his psyche means that if Lundy is feeling sad, the emotion may be displayed as anger, Barclay said.

"He has a limited vocabulary of emotion — and that's part of the problem," the doctor said.

Barclay and a colleague of his who participated in evaluating Lundy recommended to the court that the teen be tried as an adult.

"Billy is an individual who has a conduct disorder and psychological symptoms that lead to explosions he can't control," Barclay said. "He's not antisocial but he does have anti-social tendencies."

Barclay added that punishment through the adult system would teach Lundy cause and effect.

"We feel that Billy's potential for violence and destruction precludes him from being placed in (a juvenile detention center)," Barclay said.

A defense witness, Dr. Peter Lauber, disagreed however.

A psychotherapist who has had previous counseling sessions with Lundy, Lauber agreed that Lundy has emotional problems.

He did not agree with the recommendation that the boy be tried as an adult.

"My concern would be more for Billy to receive the care he needs," Lauber said, adding that he believes the juvenile system could provide better care for him.

In his closing arguments, County Prosecutor Ward Clarkson said that regardless of which system Lundy is prosecuted in, he doesn't know if rehabilitation will even be a factor.

"The juvenile is not amenable to treatment," he said. "The school has bent over backwards, he's been through counseling with Dr. Lauber and after that he burns down a school."

Lundy's attorney, Gordon Hoy of Durand, argued that Lundy doesn't present a danger to the public's

safety.

"You waive your jurisdiction over Billy Lundy and he's going to be tried as an adult and he's going to be punished, but he's not going to get any help," Hoy told the judge. "You retain your jurisdiction — he will be punished but he will also be helped. Don't give up on Billy Lundy."

Clarkson rebutted, saying that he thinks there's "plenty of help" available in the adult system.

He also said that getting Lundy started out now with a felony conviction would give courts more tools to use against him in the future if he proved to be an habitual offender.

"This is an adult crime — burning down a school and causing more than \$3 million in damage," Clarkson said, adding that because of the seriousness, Lundy should be treated as an adult.

Clatterbaugh ordered Lundy continue to be held on \$20,000 bond at a juvenile detention center in Saginaw at least until he makes a ruling.

13-year old testifies accused Bryant School classmates admitted their guilt to her

By ARI B. ADLER
Argus-Press Staff Writer

CORUNNA — With teary eyes and a shaking voice, a 13-year-old Owosso girl testified Monday that Billy Caleb Lundy Jr., Todd Wright and Joshua Samuel Harris admitted setting fire to Bryant Elementary School in Owosso.

Lundy, 15, Wright, 15, and Harris, 13, are each charged with one count of breaking and entering and one count of arson in connection with the Feb. 23 fire which resulted in at least \$3.5 million in damage.

Although Lundy and Harris waived their right to a preliminary hearing on all charges in probate court, Wright's hearing on the arson charge was held.

Probate Judge James Clatterbaugh ruled at the end of the hearing that there was probable cause shown to connect Wright with the fire and the case will be scheduled for trial.

The girl who testified, a Bryant sixth grader who was baby sitting at a house near the school the night of the fire, said she was visited several times by all three boys.

During one of their visits the boys smoked marijuana and during all of them they discussed how they had broken into the school and talked of burning it down, she said.

"Bill (Lundy) said that he burnt the school," the girl testified.

Testimony was also heard Monday from Detective Sgt. Mike Powers of the Shiawassee County Sheriff's Department. Powers is the county's arson investigator.

He testified that investigations showed there were at least four and as many as six individual fires set within the building.

The four known locations were in the main hallway, room number 110, the teachers' lounge in the middle wing and an area which encompassed room number 126, the computer laboratory and the media center.

Powers testified that at least one fire was set in the last area.

Discovering if more were set or where the fire started if there was only one was impossible, he said.

He added that the three rooms were divided with temporary curtains rather than fire walls and since the area was gutted, there was no way to determine an origin of the fire or fires in that area.

He also testified that all accidental causes for the fire have been eliminated and that investigators believe the fires were set using paper and other combustible materials which were present in the building.

During the testimony by Powers he said Wright told him the boys threw rolls of toilet paper around in the hallways so they could light it on fire.

That statement may be challenged by Wright's attorney, Kathy Fitzgerald of Owosso, on the basis of Miranda rights.

Mrs. Fitzgerald told the court that Miranda was given to Wright when he was first interviewed by Detective Sgt. Dean Porter but was not given again later when Powers interviewed him.

County Prosecutor Ward Clarkson argued that there are court rulings which say Miranda warnings do not have to be given every time another police officer wants to interview a suspect.

Probate Judge Clatterbaugh ruled Powers' testimony on the matter ad-

missible for the preliminary hearing but gave Mrs. Fitzgerald the right to call for a special hearing on the admissibility at a later date.

Wright, who sat at the defense table staring straight ahead for most of the hearing, began to look around the courtroom and shake his leg in a nervous fashion when the testimony of Porter began.

Porter, the chief investigator in the case, told of his interview with Wright following his apprehension in which Wright detailed what the three boys did that night.

Porter testified Wright told him the boys had gotten together about 5 p.m. on Feb. 22 and just hung out for awhile before going to the house where the 13-year-old girl was baby sitting.

On their way, they passed Bryant Elementary and Billy and Todd broke out some windows, according to Porter's testimony.

After leaving the baby sitter's house, they went back to the school and Wright was going "to see if he could get a computer," Porter said.

The three boys entered the school through some basement windows they broke out, he added.

They played some basketball inside the school and walked around its hallways, he said.

They exited the building through the gymnasium doors but reentered through a classroom window which they broke, Porter continued.

They "trashed" that room, according to Porter.

The boys then returned to the baby sitter's and later went back to the school, he testified.

They again played some games and while Wright attempted to break into the teachers' lounge, Lundy began spilling oil and other flammable liquid he had found onto the floor, according to the testimony.

Lundy also reportedly lit toilet paper rolls in the hallway and used hair spray found in a classroom to ignite paper and other items.

During the rampage, the boys also got a mop handle from a janitor's closet and began breaking out classroom-door windows to gain entry into the rooms, according to Porter's testimony.

Once entry was gained, the boys vandalized the rooms, Porter said.

At one point, after Harris allegedly stole a music keyboard and a six-pack of pop, Wright commented that there was smoke coming from some of the light fixtures, according to Porter's testimony.

The boys then left and Porter testified that Wright told him all three boys were laughing and they could see flames in the some of the school's windows.

Wright also told him that Lundy said "All right, it's started," Porter said.

Powers testified that an electric clock found on the floor of one room showed a time of 3:29 and that in fires, electric clocks which have stopped will generally show the starting time of the fire to within a few minutes.

The boys were identified as suspects later by someone who came to police with that information.

Scheduled for later this month are hearings for Lundy and Wright at which it will be determined whether or not they will be tried as adults.

Harris is too young for such a re-

quest to be made by the prosecutor's office.

Harris, and the other boys if convicted as juveniles, face a maximum sentence of being detained in a juvenile detention center until the age of 21.

If Lundy and Wright are convicted as adults, they face maximum sentences of 10 years in prison on each offense.

All three boys are being held in Saginaw County detention centers on \$20,000 bond each.

A request was made at Harris' waiving that he be returned to the custody of his parents, but Clatterbaugh said he would not grant that request because of the seriousness of the crime.

A request made by Mrs. Fitzgerald to have Lundy and Wright separated while at the detention center was granted.

She said that Wright was having problems with Lundy.

"Billy (Lundy) is a leader. Todd (Wright) is a follower," Mrs. Fitzgerald told reporters after the hearing. "He has been intimidated in the past and continues to be intimidated."

Bryant School fire case

Continued from page one.

She said that the interest of her client and the public safety would best be served by rehabilitation of Wright in the juvenile system.

"This is a case where there's been a great deal of remorse, self-punishment and guilt," Ms. Fitzgerald said. "This isn't a child who doesn't care."

The tears were flowing during Lundy's appearance Monday, however they mostly came from his mother, Robin Craig.

Lundy, who was described by witnesses as the leader of the three boys, remained sitting straight up with his head held high when Clatterbaugh announced his decision.

A few minutes later, as Clatterbaugh described the next steps in the case, Lundy's head dropped and he could be heard sniffing.

Lundy was remanded to the Shiawassee County Jail and Clatterbaugh continued a \$20,000 bond.

The next step, if Lundy's appeal is denied, is his arraignment in circuit court.

After the hearing, Mrs. Fitzgerald

said she was pleased with the judge's decision on Wright.

"It was a good ruling, I'm very happy," she said.

Clarkson said he did not want to criticize the judge for his decisions.

"It was pretty clear from the beginning that Billy Lundy should be waived and he was," Clarkson said. "As for Wright, the judge made his decision and I respect that."

If convicted, Lundy faces a maximum sentence of 10 years in prison on each count.

Wright's trial has been scheduled for April 6 and Harris' for April 10 in probate court.

If convicted, they face maximum sentences of incarceration in a juvenile detention center until the age of 21.